

PROVIDING FOR THE CONSIDERATION OF H.R. 3494, THE
CHILD PROTECTION AND SEXUAL PREDATOR PUNISH-
MENT ACT

JUNE 10, 1998.—Referred to the House Calendar and ordered to be printed

Ms. PRYCE of Ohio, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 465]

The Committee on Rules, having had under consideration House Resolution 465, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 3494, the “Child Protection and Predator Punishment Act” under a structured rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill.

The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill, which shall be considered as read, and waives all points of order against the amendment in the nature of a substitute.

The rule also provides for consideration of only those amendments printed in this report accompanying the resolution, which may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Additionally, the rule waives all points of order against the amendments printed in this report.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and allows the Chairman of the Committee of the Whole to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit with or without instructions.

AMENDMENTS MADE IN ORDER UNDER THE RULE FOR H.R. 3494, "THE CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT"

[listed in the order in which they will be considered]

Riley/Bachus—10 minutes: Changes the bill to create a "zero-tolerance" policy that would make the possession of any child pornography illegal. The new language would read "[No person may] knowingly possess a book, magazine, periodical, computer disk, film, video tape, or other matter that contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct . . ."

Slaughter—10 minutes: Authorizes the National Institute of Justice to conduct a study of persistent sexual predators and report to Congress on their results. The report will include a synthesis of current research regarding persistent sexual offenders, including common characteristics of such offenders; recidivism rates for such offenders; treatment and deterrence; the possibility of early intervention to prevent people from becoming sexual predators; and an agenda for future research in this area.

Franks (NJ)—20 minutes: Requires the reporting of child pornography to law enforcement agencies by Internet Service Providers.

Ackerman—10 minutes: Increases sentences by 50% for violent crimes committed against seniors (65 years of age and older) and those who are mentally or physically disabled.

Bass—10 minutes: Creates the Sex Offender Management Assistance Program to provide states with flexible grants to offset costs directly associated with meeting federal requirements for sex offender registration and community notification programs.

Foley—10 minutes: Allows youth-serving volunteer organizations to request access to FBI criminal fingerprint background checks (if the requests are made to the appropriate authorities) in the absence of specific state laws allowing that access.

Gutknecht—10 minutes: Expresses the sense of the Congress that states should implement a tier-based community notification system for notifying communities when sex offenders are released from jail. This amendment provides states with a model statute when implementing Megan's Law.

Kelly—10 minutes: Establishes mandatory minimum sentences for any person who takes a child hostage in order to compel, resist or oppose the Federal government.

Sherman—20 minutes: Establishes a national hotline administered by the Department of Justice and financed by a user fee for public access to the FNI database of convicted sexual predators.

Conyers—60 minutes: Provides grants to states for law enforcement and prosecution to combat violence against women; limits the effects of domestic violence on children; allows victims of Federal domestic violence to enter the Federal Witness Protection Program;

provides civilian jurisdiction for sexual assault and domestic violence crimes committed outside the U.S. by individuals accompanying the armed services; authorizes the Attorney General to develop curricula to train law enforcement officers and prosecutors in recognizing, addressing, investigating and prosecuting elder abuse, neglect and exploitation; authorizes the Attorney General to award grants to health professionals to assist them in identifying victims of domestic violence and sexual assault and documenting those injuries; and provides research for prevention, detection and investigation of violence against women.

The amendments made in order under the rule are as follows:

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RILEY OF ALABAMA OR REPRESENTATIVE BACHUS OF ALABAMA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 23, strike “TECHNICAL CORRECTION” and insert “MODIFICATION OF POSSESSION OFFENSE”.

Page 6, beginning in line 7, strike “possesses” and all that follows through line 4 on page 8 and insert the following:

possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct; or

“(B) knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that—

“(i) has been mailed, or has been shipped or transported by any means, including computer, in interstate or foreign commerce, or which was produced using materials which were mailed or so shipped or transported; and

“(ii) contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct;”.

(e) CHILD PORNOGRAPHY POSSESSION OFFENSE.—Section 2252A(a)(5) of title 18, United States Code, is amended in each of subparagraphs (A) and (B), by striking “3 or more images of” and inserting “an image of”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, after the matter following line 13, insert the following:

SEC. 112. STUDY OF PERSISTENT SEXUAL OFFENDERS.

The National Institute of Justice, either directly or through grant, shall carry out a study of persistent sexual predators. Not later than one year after the date of the enactment of this Act, such Institute shall report to Congress and the President the results of such study. Such report shall include—

- (1) a synthesis of current research in psychology, sociology, law, criminal justice, and other fields regarding persistent sexual offenders, including—

(A) common characteristics of such offenders;

- (B) recidivism rates for such offenders;
 - (C) treatment techniques and their effectiveness;
 - (D) responses of offenders to treatment and deterrence;
 - and
 - (E) the possibility of early intervention to prevent people from becoming sexual predators; and
- (2) an agenda for future research in this area.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 11, after the matter following line 13, insert the following:

SEC. 112. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, learns of the creation, distribution, production, or transfer of child pornography (as defined in section 2256), shall as soon as reasonably possible make a report of that child pornography to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this paragraph. A person who fails to make a report required under this section shall be fined not more than \$100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

- “(6) to a law enforcement agency—
- “(A) if such contents—
- “(i) were inadvertently obtained by the service provider; and
- “(ii) appear to pertain to the commission of a crime;
- or
- “(B) if required by the Child Protection and Sexual Predator Punishment Act of 1998.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ACKERMAN OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new title:

TITLE V—ENHANCED PENALTIES FOR VULNERABLE VICTIMS

SEC. 501. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

“SEC. 240002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

“(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against an elderly person or other vulnerable person.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code;

“(2) the term ‘elderly person’ means a person who is 65 years of age or older; and

“(3) the term ‘vulnerable person’ means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct, or is a victim of an offense under section 2241(e) of title 18, United States Code.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS OF NEW HAMPSHIRE, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new title:

**TITLE V—SEX OFFENDER
MANAGEMENT ASSISTANCE PROGRAM**

**SEC. 501. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH
THE JACOB WETTERLING CRIMES AGAINST CHILDREN
AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT.**

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by—

(1) redesignating the second subsection (g) as subsection (h); and

(2) adding at the end the following new subsection:

“(i) GRANTS TO STATES TO COMPLY WITH THE WETTERLING ACT.—

“(1) PROGRAM AUTHORIZED.—

“(i) IN GENERAL.—The Director of the Bureau of Justice Assistance shall award a grant to each eligible State to offset costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Such grant program shall be known as the “Sex Offender Management Assistance Program (SOMA)”.

“(ii) USES OF FUNDS.—Grants awarded under this subsection shall be—

“(I) distributed directly to the State for distribution to State and local entities; and

“(II) used for training, salaries, equipment, materials, and other costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

“(2) ELIGIBILITY.—

“(i) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit an application to the Director of the Bureau of Justice Assistance (in such form and containing such information as the Director may reasonably require) assuring that—

“(I) the State complies with (or made a good faith effort to comply with) the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; and

“(II) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in such Act.

“The Director of the Bureau of Justice Assistance may waive the requirement of subclause (II) if a State demonstrates an overriding need for assistance under this subsection.

“(ii) REGULATIONS.—

“(I) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible state’s monitoring and notification programs.

“(II) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director of the Bureau of Justice Assistance shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.”.

(b) STUDY.—The Director of the Bureau of Justice Assistance shall conduct a study to assess the efficacy of the SOMA program and submit recommendations to Congress not later than March 1, 2000.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (i) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211), \$25,000,000 for each of fiscal years 1999 and 2000.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOLEY OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE V—FACILITATING FINGERPRINT CHECKS TO PROTECT CHILDREN FROM SEXUAL PREDATORS AND VIOLENT CRIMINALS

SEC. 501. SHORT TITLE.

This title may be cited as the “Volunteers for Children Act”.

SEC. 502. ACCESS TO CRIMINAL FINGERPRINT BACKGROUND CHECKS.

(a) STATE AGENCY.—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

“(3) In the absence of State procedures referred to in paragraph (1), youth-serving volunteer organizations and institutions may contact an authorized agency of the State to request national criminal fingerprint background checks. Entities requesting background checks under this paragraph shall follow the guidelines in subsection (b) and procedures, if any, for requesting national criminal fingerprint background checks established by the State in which they are located.

(b) FEDERAL LAW.—Section 3(b)(5) of such Act (42 U.S.C. 5119a(b)(5)) is amended by inserting before the period at the end the following: “, except that this paragraph does not apply to any request by youth-serving volunteer organizations and institutions for national criminal fingerprint background checks pursuant to subsection (a)(3)”.

(c) AUTHORIZATION.—Section 4(b)(2) of such Act (42 U.S.C. 5119b(b)(2)) is amended by striking “1994, 1995, 1996, and 1997” and inserting “1999, 2000, 2001, and 2002”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTKNECHT OF MINNESOTA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new title:

TITLE V—MODEL NOTIFICATION

SEC. 501. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) States are now required to release certain relevant information to protect the public from sexually violent offenders.

(2) Many States have not established guidelines regarding the notification and release of a sexually violent offender.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that each State should enact legislation based on the model notification process described in sections 502 through 514.

SEC. 502. ESTABLISHMENT OF ADVISORY BOARD FOR RISK ASSESSMENT.

(a) **ESTABLISHMENT.**—The State shall establish an Advisory Board for Risk Assessment (referred to in this title as the “Board”) which consists of not less than 5 members appointed by the Chief Executive Officer of the State.

(b) **DUTIES.**—The Board shall comply with the requirements and guidelines established for a State board under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 and the provisions of this title.

(c) **MEMBERSHIP.**—Each member shall, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, or community relations.

(d) **TERM.**—The term of office of each member of such Board shall be determined by the Chief Executive Officer of the State in guidelines issued pursuant to this section.

(e) **VACANCY.**—Any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(f) **CHAIRPERSON.**—The Chief Executive Officer of the State shall designate 1 of the members of the Board as chairperson to serve in such capacity at the pleasure of the Officer or until the member’s term of office expires and a successor is designated in accordance with law, whichever occurs first.

(g) **TERMINATION.**—Any member of the Board may be removed by the Chief Executive Officer for cause after an opportunity to be heard.

(h) **QUORUM.**—Except as otherwise provided by law, a majority of the Board shall constitute a quorum for the transaction of all business of the Board.

SEC. 503. GUIDELINES FOR TIER DETERMINATION.

(a) **IN GENERAL.**—The Chief Executive Officer of the State or a designee shall develop guidelines and procedures for use by the Board to assess the risk of a repeat offense by such sex offender and the threat posed to the public safety. Such guidelines shall be based upon the following:

(1) Criminal history factors indicative of high risk of repeat offense, including—

(A) whether the sex offender has a mental abnormality;

(B) whether the sex offender’s conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;

(C) whether the sex offender served the maximum term;

(D) whether the sex offender committed the felony sex offense against a child; and

(E) the age of the sex offender at the time of the commission of the first sex offense.

(2) Other factors to be considered in determining risk, including—

(A) the relationship between such sex offender and the victims;

(B) whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(C) the number, date, and nature of prior offenses;

(D) conditions of release that minimize risk of another offense, including whether the sex offender is under supervision, receiving counseling, therapy or treatment, or residing in a home situation that provides guidance and supervision;

(E) physical conditions that minimize risk of another offense, including advanced age or debilitating illness;

(F) whether psychological or psychiatric profiles indicate a risk of recidivism;

(G) the sex offender's response to treatment;

(H) recent behavior, including behavior while confined;

(I) recent threats or gestures against persons or expression of intent to commit additional offenses; and

(J) review of any victim impact statement.

(b) INFORMATION TRANSFER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State or local correctional facility, hospital, or institution shall forward relevant information pertaining to a sex offender to be discharged, paroled, or released to the Board for review prior to the release or discharge for consideration by the Board in its recommendations. Information shall include the commitment file, medical file, and treatment file pertaining to such person.

(2) CONFIDENTIALITY.—All confidential records provided under paragraph (1) shall remain confidential, unless otherwise ordered by a court, by the lawful custodians of the records, or by another person duly authorized to release such information.

SEC. 504. BOARD RECOMMENDATIONS.

The Board shall use the guidelines established pursuant to section 503(a) to recommend to an appropriate court of the State 1 of the following 3 levels of notification:

(1) TIER I.—If the risk of a repeat offense is low, a tier 1 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of his conviction shall be notified in accordance with section 170101(b)(4) of the Violent Crime Control and Law Enforcement Act of 1994.

(2) TIER II.—If the risk of a repeat offense is moderate, a tier 2 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of conviction shall be notified and may notify any victim of the proposed release of such offender and any agency, organization, or group, serving individuals who have similar characteristics to the previous victim or victims of such offender. The notification may include the approximate address (by ZIP Code), background information relating to the crime, type of victim targeted, conviction, including release of a photograph of the offender, and any special conditions imposed on the offender.

(3) TIER III.—If the risk of a repeat offense is high and there exists a threat to the public safety, a tier 3 designation shall

be given to such offender. In such case, the appropriate law enforcement agencies shall be notified of such an offender's release and may use the notification procedures described in paragraph (2), except that a precise address may be released and any relevant information necessary to protect the public concerning a specific person required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 shall be released.

SEC. 505. JUDICIAL DETERMINATION.

(a) NOTIFICATION LEVEL.—

(1) IN GENERAL.—An appropriate court of the State also shall make a determination with respect to the level of notification, after receiving a tier recommendation from the Board. In making the determination, the court shall review any statement by a victim or victims and any materials submitted by the sex offender. The court shall also allow the sex offender to appear and be heard, and inform the sex offender of the right to have counsel appointed if necessary.

(2) APPEAL.—A sex offender may appeal a determination made by the court made under paragraph (1) in accordance with State law.

(3) NOTIFICATION AND REGISTRATION.—The filing of the appeal shall not stay the designated law enforcement agency's notification actions unless the court orders otherwise. Such petition, if granted, shall not relieve the petitioner of the duty to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 upon conviction of an offense requiring registration in the future.

(b) REVERSAL.—Upon the reversal of a conviction of a sexual offense, the court shall order the expungement of any records required to be kept pursuant to this title.

SEC. 506. PENALTY FOR MISUSE OF REGISTRATION INFORMATION.

(a) FINE.—Any person who uses information disclosed pursuant to this title in violation of the law shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) CIVIL ACTION.—The State attorney general, a district attorney, or any person aggrieved by information disclosed in violation of the law is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action.

(c) ADDITIONAL REMEDIES.—The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

SEC. 507. JUVENILE OFFENDERS.

(a) IN GENERAL.—A juvenile residing in a State who has been adjudicated delinquent for any sex offense or attempted sex offense, or who has been convicted of any sex offense or attempted sex offense, or who has been acquitted by reason of insanity for any sex offense or attempted sex offense shall be required to comply with the registration requirements established pursuant to section

170101 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) **YOUTH FACILITY.**—Any person who is discharged or paroled from a facility in another State that is equivalent to a Department of the Youth Authority to the custody of such a facility because of the commission or attempted commission of specified sex offenses, is required to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 508. OFFICIAL IMMUNITY FROM LIABILITY.

(a) **IMMUNITY.**—No official, employee, or agency, whether public or private, shall be subject to any civil or criminal liability for damages for any discretionary decision to release relevant and necessary information pursuant to this section, unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

(b) **INFORMATION RELEASE.**—The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(c) **FAILURE TO RELEASE INFORMATION.**—Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee, or agency, whether public or private, for failing to release information as authorized in this title unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

SEC. 509. IDENTITY OF THE VICTIM.

Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded from public access or dissemination.

SEC. 510. GENERAL STATE REQUIREMENTS.

The Chief Executive Officer of a State or designee shall establish reasonable notification requirements under this title, including notification to an offender of any procedures for which the offender is required or is permitted to participate, including the hearing process, appeal rights, and submission of information to the Board.

SEC. 511. ADVISORY COUNCIL FOR COMMUNITY EDUCATION.

(a) **IN GENERAL.**—The Chief Executive Officer of a State shall appoint a voluntary advisory council to design a policy to assist communities in which a sex offender resides to plan and prepare for such a resident.

(b) **COMPOSITION.**—Each such advisory council shall include representation from—

- (1) law enforcement;
- (2) law enforcement organizations;
- (3) local corrections agencies;
- (4) victims groups; and
- (5) other interested members of the public.

(c) **DUTIES.**—In developing a policy pursuant to subsection (a), an advisory council should make recommendations that include—

- (1) the method of distributing community notification information;

(2) methods of educating community residents at public meetings on how they can use such information to enhance their safety and the safety of their family;

(3) procedures for ensuring that community members are educated regarding the right of the sex offender not to be subjected to harassment or criminal acts; and

(4) other matters the council considers necessary to ensure the effective and fair administration of the community notification law.

SEC. 512. EXPUNGEMENT OF OUTDATED INFORMATION.

In accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, the department required to coordinate the sex offender registration program shall compile and update information regarding the offenders. Any offender whose duty to register has expired or who has been relieved of the duty to register shall be removed from any public database.

SEC. 513. EXCEPTIONAL CIRCUMSTANCES.

Nothing in this title shall be construed to prevent law enforcement officers from notifying members of the public of individuals that pose a danger under circumstances that are not described in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 or under this title.

SEC. 514. DEFINITIONS.

For purposes of this title:

(1) The term “criminal offense against a victim who is a minor” means any criminal offense that consists of—

- (A) kidnapping of a minor, except by a parent;
- (B) false imprisonment of a minor, except by a parent;
- (C) criminal sexual conduct toward a minor;
- (D) solicitation of a minor to engage in sexual conduct;
- (E) use of a minor in a sexual performance;
- (F) solicitation of a minor to practice prostitution;
- (G) any conduct that by its nature is a sexual offense against a minor; and

(H) an attempt to commit an offense described in any of subparagraphs (A) through (G) if the State—

- (i) makes such an attempt a criminal offense; or
- (ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for purposes of this section.

For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(2) The term “sexually violent offense” means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18, United States Code, or as described in the State criminal code).

(3) The term “mental abnormality” means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(4) The term “predatory” means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

Any offense committed in another State, which if committed in the State at issue would be one of the above enumerated offenses, is considered a sexual offense for the purposes of this title.

(5) The term “juvenile” has the meaning given such term under State law.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KELLY OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new title:

TITLE V—CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE

SEC. 501. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 1205. Child hostage-taking to evade arrest or obstruct justice

“(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

“(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

“(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

“(b) SENTENCING.—Any person who violates subsection (a)—

“(1) shall be imprisoned not less than 10 years and not more than 25 years;

“(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

“(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

“(c) DEFINITION.—For purposes of this section, the term ‘child’ means an individual who has not attained the age of 18 years.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

“1205. Child hostage-taking to evade arrest or obstruct justice.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERMAN OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of the bill, add the following new title:

TITLE V—PUBLIC ACCESS TO FBI DATABASE ON SEXUAL OFFENDERS

SEC. 501. ESTABLISHMENT OF TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE ON SEXUAL OFFENDERS.

Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.) is amended by adding at the end the following new section:

“SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE.

“(a) ESTABLISHMENT.—(1) The Attorney General shall establish, publicize, and operate a national telephone service by which a person (as defined in subsection (f)(2)) may request the information described in paragraph (2).

“(2) The information described in this paragraph is whether an individual (as defined in subsection (f)(3)), other than a victim of an offense that requires registration under this subtitle, is listed in the database established under section 170102.

“(b) PREREQUISITE FOR ACCESS TO INFORMATION.—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

“(1) The address of the individual’s residence.

“(2) The individual’s Social Security number.

“(3) The individual’s driver’s license number or the number the identification card issued by State or local authorities in lieu of a driver’s license.

“(4) The individual’s date of birth.

“(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

“(c) NOTICE TO CALLER.—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

“(1) The requirements described in subsection (b).

“(2) The fee for the use of the telephone service.

“(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

“(4) A warning that the service is not be available to persons under 18 years of age.

“(5) Such other information as the Attorney General determines to be appropriate.

“(d) FEES FOR USE OF SERVICE.—

“(1) FEE FOR ACCESS TO INFORMATION IN DATABASE.—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

“(2) LIMITATION ON NUMBER OF REQUESTS.—A person may not make more than two requests for such information per use of the service.

“(3) USE OF FEES TO DEFRAY EXPENSES OF SERVICE.—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

“(e) PENALTIES FOR MISUSE OF INFORMATION.—

“(1) PROHIBITIONS.—Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

“(A) for any purpose other than to protect a minor at risk; or

“(B) with respect to insurance, housing, or any other use that the Attorney General may determine—

“(i) is unnecessary for the protection of a minor at risk or;

“(ii) which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

“(2) CIVIL PENALTY.—Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than \$1,000 for each violation.

“(f) DEFINITIONS.—As used in this section:

“(1) MINOR AT RISK.—The term ‘minor at risk’ means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.

“(2) PERSON.—The term ‘person’ means a person who requests the information described in subsection (a)(2).

“(3) INDIVIDUAL.—The term ‘individual’ means an individual who is required to register under this subtitle.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS OF MICHIGAN, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

Add at the end the following (and conform the table of contents accordingly):

TITLE V—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 501. PURPOSE OF THE PROGRAM AND GRANTS.

(a) **GENERAL PROGRAM PURPOSE.**—The purpose of this subtitle is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women.

(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this subtitle shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening programs addressing stalking;

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence; and

(7) developing, enlarging, or strengthening State court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking.

SEC. 502. STATE GRANTS.

(a) **GENERAL GRANTS.**—The Attorney General may make grants to States, for use by States, units of local government, and Indian tribal governments for the purposes described in section 501(b).

(b) **AMOUNTS.**—Of the amounts appropriated for the purposes of this subtitle—

(1) 4 percent shall be available for grants to Indian tribal governments;

(2) \$500,000 shall be available for grants to applicants in each State; and

(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subtitle upon certification that—

(1) the funds shall be used for any of the purposes described in section 501(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

(3) up to 30 percent shall be allocated to law enforcement, up to 30 percent to prosecution grants, and at least 10 percent to State court systems; and

(4) any Federal funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

(d) **APPLICATION REQUIREMENTS.**—Each application shall include the certifications of qualification required by subsection (c). An application shall include—

(1) documentation from the prosecution and law enforcement programs to be assisted, demonstrating—

(A) need for the grant funds;

(B) intended use of the grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background;

(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 505; and

(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 506.

(e) **DISBURSEMENT.**—

(1) **IN GENERAL.**—Not later than 60 days after the receipt of an application under this subtitle, the Attorney General shall—

(A) disburse the appropriate sums provided for under this subtitle; or

(B) inform the applicant why the application does not conform to the requirements of this section.

(2) REGULATIONS.—In disbursing monies under this subtitle, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes;

(D) recognize and address the needs of underserved populations; and

(E)(i) if, at the end of the 9th month of any fiscal year for which funds are appropriated under section 507, the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallocated to the current fiscal year recipients in the victim services area pursuant to section 502(c)(3) proportionate to their original allotment for the current fiscal year; and

(ii) for the first 2 fiscal years following the effective date of this Act, the Attorney General may waive the qualification requirements of section 502(c), at the request of the State and with the support of law enforcement and prosecution grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims' services, and State court systems mandated by this subtitle adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year.

(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subtitle.

(h) GRANTEE REPORTING.—

(1) IN GENERAL.—Upon completion of the grant period under this subtitle, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subtitle.

(2) **CERTIFICATION BY GRANTEE AND SUBGRANTEES.**—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) **SUSPENSION OF FUNDING.**—The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subtitle; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(D) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.

SEC. 503. DEFINITIONS.

In this subtitle—

(1) the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

(2) the term “Indian country” has the meaning stated in section 1151 of title 18, United States Code;

(3) the term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(4) the term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(5) the term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim services programs);

(6) the term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

(7) the term “underserved populations” includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

SEC. 504. GENERAL TERMS AND CONDITIONS.

(a) **NONMONETARY ASSISTANCE.**—In addition to the assistance provided under this subtitle, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) **REPORTING.**—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subtitle;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

(4) an evaluation of the effectiveness of programs funded under this subtitle.

(c) **REGULATIONS OR GUIDELINES.**—Not later than 120 days after the date of enactment of this subtitle, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

SEC. 505. RAPE EXAM PAYMENTS.

(a) **RESTRICTION OF FUNDS.**—

(1) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(2) **REDISTRIBUTION.**—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) **MEDICAL COSTS.**—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

- (1) provides such exams to victims free of charge to the victim;
- (2) arranges for victims to obtain such exams free of charge to the victims; or
- (3) reimburses victims for the cost of such exams if—
 - (A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;
 - (B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;
 - (C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and
 - (D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 506. FILING COSTS FOR CRIMINAL CHARGES.

(a) **IN GENERAL.**—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, or unit of local government—

- (1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or
- (2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—
 - (A) the period ending on the date on which the next session of the State legislature ends; or
 - (B) 2 years.

(b) **REDISTRIBUTION.**—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle \$185,000,000 for each of fiscal years 2001, 2002, and 2003.

Subtitle B—Grants to Encourage Arrest Policies

SEC. 511. PROGRAM AUTHORIZED.

(a) **PURPOSE.**—The purpose of this subtitle is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

(b) **GRANT AUTHORITY.**—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(c) **ELIGIBILITY.**—Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 512. APPLICATIONS.

(a) **APPLICATION.**—An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 511(c) are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of the date of enactment of this Act;

(2) describes plans to further the purposes stated in section 511(a);

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) **PRIORITY.**—In awarding grants under this subtitle, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

SEC. 513. REPORTS.

Each grantee receiving funds under this subtitle shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subtitle and containing such additional information as the Attorney General may prescribe.

SEC. 514. REGULATIONS OR GUIDELINES.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

SEC. 515. DEFINITIONS.

For purposes of this subtitle—

(1) the term ‘domestic violence’ includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

(2) the term “protection order” includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

- (1) \$63,000,000 for fiscal year 1999;
- (2) \$67,000,000 for fiscal year 2000;
- (3) \$70,000,000 for fiscal year 2001;
- (4) \$70,000,000 for fiscal year 2002; and

(5) \$70,000,000 for fiscal year 2003.

TITLE VI—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 601. DEFENSE TO CRIMINAL CUSTODIAL INTERFERENCE OR PARENTAL ABDUCTION CHARGE.

Section 1073 of title 18, United States Code, is amended by striking “Whoever moves” and inserting “(a) Whoever moves” and by adding at the end the following:

“(b) For any charge of parental abduction, of custodial interference, or of felony criminal contempt of court related to an underlying child custody or visitation determination, that would otherwise provide a basis for prosecution under this section, it shall be a defense to such prosecution that the individual against whom this section is invoked—

“(1) acted pursuant to the provisions of a court order valid when and where issued—

“(A) which granted the defendant legal custody or visitation rights;

“(B) which was obtained in compliance with section 1738A of title 28;

“(C) which is not inconsistent with such section or with the Uniform Child Custody Jurisdiction Enforcement Act as promulgated by the Uniform Law Commissioners; and

“(D) which was in effect at the time the defendant left the State;

“(2) was fleeing an incident or pattern of domestic violence or sexual assault of the child, which had been previously reported to law enforcement authorities; or

“(3) would otherwise have a defense under the terms of the International Parental Kidnapping Prevention Act (18 U.S.C. 1204).

“(c) The Attorney General shall issue guidance to assist the United States Attorneys and the Federal Bureau of Investigation in determining when to decline to initiate or to terminate an investigation or prosecution under subsection (b) due to the potential availability of any defense.”.

SEC. 602. FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS.

(a) **SECTION INTENT.**—Section 1738A(a) of title 28, United States Code, is amended by adding at the end the following: “This section is intended to preempt any inconsistent State law and to apply to every proceeding in the United States or its territories that is not governed by inconsistent aspects of any treaty to which the United States Government is a signatory or has ratified that involves custody and visitation concerning a minor child. Any provisions of a protection order regarding the custody and visitation of a minor child, whether consensual or not, otherwise consistent with section 2265 of title 18 and with this section shall be given full faith and credit by the courts of any State where the party who sought the order seeks enforcement.”.

(b) **DEFINITIONS.**—Section 1738A(b) of such title is amended—

(1) by inserting after paragraph (3) the following:

“(4) ‘domestic violence’ includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction;

“(5) ‘sexual assault’ means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim;”;

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively;

(3) by redesignating paragraph (7) as paragraph (9) and by striking “and” after the semicolon;

(4) by inserting after paragraph (9) (as so redesignated) the following:

“(10) ‘predominant aggressor’ means the individual who has been determined to be the principal perpetrator of violence, by factors including—

“(A) history of domestic violence;

“(B) relative severity of the injuries inflicted on each person;

“(C) the likelihood of future injury to each person;

“(D) whether one of the persons acted in self-defense; and

“(E) the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, or cause severe pain or injury, or fear of harm to the other or a third person”; and

(5) by redesignating paragraph (8) as paragraph (11).

(c) **CONDITION FOR CUSTODY DETERMINATION.**—Section 1738A(c)(2)(C) of such title is amended—

(1) by striking “he” and inserting “the child, or a sibling or parent of the child,”; and

(2) by inserting “, including acts of domestic violence by the other parent” after “abuse”.

(d) **JURISDICTION.**—Section 1738A(d) of such title is amended by inserting before the period at the end the following: “, except that after 2 years have passed while a child is living in another State after relocation due to domestic violence or sexual assault of the child, the court of the original State shall decline jurisdiction provided that the courts of the new State would have personal jurisdiction over the other parent under that State’s law”.

(e) **CHILD CUSTODY DETERMINATIONS.**—Section 1738A of such title is amended by adding at the end the following:

“(h) A court may decline to exercise jurisdiction on behalf of a parent who has engaged in domestic violence as a predominant aggressor, if a court of another State has emergency jurisdiction under subsection (c)(2)(C)(ii). A court may decline to exercise jurisdiction on behalf of a parent who has wrongfully taken the child from a State without justification, or engaged in similar unjustifiable conduct, unless no other State would have jurisdiction under any provision of subsection (c).

TITLE VII—SEXUAL ASSAULT PREVENTION

Subtitle A—Standards, Practice, and Training for Sexual Assault Examinations

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Standards, Practice, and Training for Sexual Assault Examinations Act”.

SEC. 702. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate evidence collection; and

(3) review existing national, State, and local protocols on sexual assault for forensic examinations, and based on this review, develop a recommended national protocol, and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, and local experts in the area of rape and sexual assault, including but not limited to, rape crisis centers, State sexual assault and domestic violence coalitions and programs, criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, sex crimes in underserved communities as defined in 42 U.S.C. 3796gg–2(7).

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the directives in subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1999.

Subtitle B—Prevention of Custodial Sexual Assault by Correctional Staff

SEC. 711. SHORT TITLE.

This subtitle may be cited as the “Prevention of Custodial Sexual Assault by Correctional Staff Act”.

SEC. 712. FINDINGS.

Congress finds the following:

(1) According to an extensive 1996 report by the Women’s Rights Project of Human Rights Watch, sexual abuse of women prisoners by correctional officers is a serious problem in our Nation’s prisons, jails, and correctional facilities.

(2) Custodial sexual assault of women by correctional officers includes documented incidents of vaginal, oral, and anal rape.

(3) Because correctional officers wield near absolute power over female prisoners, officers may abuse that power to sexually assault and abuse female prisoners, as well as engage in constant groping, harassment, and other abuse.

SEC. 713. ESTABLISHMENT OF PREVENTION PROGRAM.

(a) PROGRAM GUIDELINES.—

(1) **IN GENERAL.**—The Attorney General shall establish guidelines for States and disseminate such information to the States regarding the prevention of custodial sexual misconduct by correctional staff.

(2) **REQUIREMENTS.**—Such guidelines shall include requirements that—

(A) prohibit a State department of corrections from hiring correctional staff who have been convicted on criminal charges, or found liable in civil suits, for custodial sexual misconduct; and

(B) each State department of corrections maintain databases, including the names and identifying information of individuals who have been convicted on criminal charges or found liable in civil suits for custodial sexual misconduct and to check these databases prior to hiring any correctional staff.

(3) **NATIONAL DATABASE.**—This information shall also be submitted to the Department of Justice where it will be maintained and updated on a national database.

(b) RELEASE OF INFORMATION.—The information collected under subsection (a)(2) shall be treated as private data except that—

(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) such information may be disclosed to government agencies conducting confidential background checks; and

(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect prisoners concerning a specific person whose name is included in the database, except that the identity of a victim of an offense that requires information to be maintained under this section shall not be released.

(c) **IMMUNITY FOR GOOD FAITH CONDUCT.**—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from criminal or civil liability for good faith conduct in releasing information under this section.

(d) **INELIGIBILITY FOR FUNDS.**—

(1) **IN GENERAL.**—A State that fails to implement the program as described under this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701).

(2) **REALLOCATION.**—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(3) **COMPLIANCE DATE.**—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.

SEC. 714. DEFINITIONS.

For purposes of this subtitle—

(1) the term “correctional staff” means any employee, contractual employee, volunteer, or agent of a correctional department who is working in any contact position with any prisoners under the jurisdiction of that department; and

(2) the term “custodial sexual misconduct” means any physical contact, directly or through the clothing, with the sexual or intimate parts of a person for the purpose of sexual gratification of either party, when the—

(A) parties involved are a person in custody of a correctional department and a member of the correctional staff; or

(B) contact occurs under circumstances of coercion, duress, or threat of force by a member of the correctional staff.

TITLE VIII—FULL FAITH AND CREDIT FOR PROTECTION ORDERS

SEC. 801. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.

(a) Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) **FORMULA GRANT REDUCTION FOR NONCOMPLIANCE.**—

“(1) **REDUCTION.**—The Attorney General shall reduce by 10 percent (for redistribution to other participating States that comply with subsections (a) and (b)) the amount a State would receive under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 if such State fails to comply with the requirements of subsections (a), (b), and (c).

“(2) **EFFECTIVE DATE.**—The Attorney General may begin to reduce funds described in paragraph (1) on the first day of each fiscal year succeeding the first fiscal year beginning after the date of the enactment of this subsection.

“(e) REGISTRATION.—Nothing in this section shall require prior filing or registration of a protection order in the enforcing State in order to secure enforcement pursuant to subsection (a). Nothing in this section shall permit a State to notify the party against whom the order has been made that a protection order has been registered and/or filed in that State.”

“(f) NOTICE.—Nothing in this section shall require notification of the party against whom the order was made in order to secure enforcement by a law enforcement officer pursuant to subsection (a).”.

(b) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by inserting “issued pursuant to State divorce and child custody codes” after “custody orders”; and

(2) by adding “Custody and visitation provisions in protection orders are subject to the mandates of this chapter.” after “seeking protection.”.

(b) COMPLIANCE—FULL FAITH AND CREDIT.—Within 180 days, the Attorney General shall issue regulations to determine whether a State is in compliance with 18 U.S.C. 2265(a), (b), and (c), taking into account the following factors:

(1) The State’s documented good faith efforts to ensure compliance by judicial, law enforcement, and other State officials, including the extent and nature of any training programs, outreach, and other activities.

(2) The degree to which any case of noncompliance by a State official represents an isolated incident, rather than a pattern of nonenforcement.

(3) Any barriers to compliance presented by outdated technology, recordkeeping problems, or similar issues, and the State’s documented good faith efforts to removing those barriers.

SEC. 802. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General may provide grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and recordkeeping strategies to assist States, Indian tribal governments, and units of local government to enforce protective orders issued by other States, Indian tribal governments, or units of local government.

(b) USES OF FUNDS.—

(1) IN GENERAL.—Grants under this section shall provide training and enhanced technology compatible with existing law enforcement systems including the National Crime Information Center to enforce protection orders.

(2) USES OF FUNDS.—Funds received under this section may be used to train law enforcement, prosecutors, court personnel, and others responsible for the enforcement of protection orders, and to develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking protection orders and violations of protection orders and training.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to carry out this section, \$5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

TITLE IX—FEDERAL WITNESS PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE

SEC. 901. WITNESS PROTECTION.

(a) **GENERALLY.**—Section 3521(a)(1) of title 18, United States Code, is amended by inserting “or of a victim of an offense set forth in chapter 110A of this title directed at victims of domestic violence,” after “other serious offense,”.

(b) **OTHER ACTIONS.**—Section 3521(b)(1) of title 18, United States Code, is amended by inserting “or a victim of domestic violence,” after “potential witness,”.

(c) **GUIDELINES.**—Not later than 180 days after the date of enactment of this section, the Attorney General shall establish guidelines for determining eligibility for the Federal witness protection program of persons who are eligible for that program under the amendment made by subsection (a).

TITLE X—CIVILIAN JURISDICTION FOR CRIMES OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE

SEC. 1001. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) **IN GENERAL.**—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

“CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Definitions for chapter.

“§ 3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

“(a) **IN GENERAL.**—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute a misdemeanor or felony domestic violence or sexual assault offense, if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in the Federal District Court of the jurisdiction of origin.

“(b) CONCURRENT JURISDICTION.—Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

“(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval shall not be delegated.

“§ 3262. Definitions for chapter

“As used in this chapter—

“(1) the term ‘Armed Forces’ has the same meaning as in section 101(a)(4) of title 10;

“(2) a person is ‘employed by the Armed Forces outside of the United States’ if the person—

“(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

“(B) is present or residing outside of the United States in connection with such employment; and

“(C) is not a national of the host nation; and

“(3) a person is ‘accompanying the Armed Forces outside of the United States’ if the person—

“(A) is a dependent of a member of the armed forces;

“(B) is a dependent of a civilian employee of the Department of Defense;

“(C) is residing with the member or civilian employee outside of the United States; and

“(D) is not a national of the host nation.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

“212. Domestic Violence and Sexual Assault Offenses Committed Outside the United States 3261”.

TITLE XI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

SEC. 1101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms ‘elder abuse, neglect, and exploitation’, ‘domestic violence’, and ‘older individual’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) **SEXUAL ASSAULT.**—The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(b) **CURRICULA.**—The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

(c) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

TITLE XII—VIOLENCE AGAINST WOMEN TRAINING FOR HEALTH PROFESSIONS

SEC. 1201. SHORT TITLE.

This title may be cited as the “Violence Against Women Training for Health Professions Act”.

SEC. 1202. DOMESTIC VIOLENCE AND SEXUAL ASSAULT FORENSIC EVIDENCE.

(a) **IN GENERAL.**—In the case of a health professions, the Attorney General shall award grants and contracts, giving preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:

(1) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim’s injuries.

(2) Examining and treating such victims, within the scope of the health professional’s discipline, training, and practice.

(b) **RELEVANT HEALTH PROFESSIONS ENTITIES.**—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(c) **REPORT TO CONGRESS.**—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act, the Attorney General shall submit to the House of Representatives, and the Senate, a report specifying the health professions entities that are receiving grants or contracts under this section; the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided, including the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.

(d) DEFINITIONS.—For purposes of this section—

(1) the term “domestic violence” includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction; and

(2) the term “sexual assault” means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

TITLE XIII—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH

Subtitle A—Violence Against Women Pre- vention, Detection and Investigation Re- search

SEC. 1301. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) According to a Panel on Research on Violence Against Women convened by the National Research Council in response to the mandates by the Violence Against Women Act of 1994—

(A) significant gaps exist in understanding the extent and causes of violence against women and the impact and the effectiveness of education, prevention, and interventions;

(B) funding for research on violence against women is spread across numerous Federal agencies with no mechanism through which to coordinate these efforts or to link with other federally sponsored research initiatives; and

(C) research on violence against women would benefit from an infrastructure that supports interdisciplinary efforts and aids in integrating these efforts into practice and policy.

(2) Despite the increased funding to prevent and respond to violence against women in underserved populations, few studies have examined incidence and prevalence data from the perspective of racial, ethnic, language, age, disability, and other underserved populations. Moreover, little is known about the

types of prevention, detection, and investigation strategies that are most effective in underserved populations.

(3) Most studies currently focus on aspects of domestic violence related to physical abuse. Few studies explore the harm caused by emotional and psychological abuse and the appropriate prevention, detection, and investigation strategies for victims experiencing this form of abuse.

(4) Violence exposure as a risk factor for disease must be examined for a range of diseases and diagnoses to better understand the correlation between violence and disease including intervening variables.

(5) Violence against women occurs within the context of a sociocultural environment that should be studied to assist in a greater understanding of those factors that promote and maintain violence against women and to provide a framework for developing and assessing education, prevention, and intervention strategies.

SEC. 1302. TASK FORCE.

(a) **PURPOSES.**—The Attorney General shall establish a task force to coordinate research on violence against women. The task force shall comprise representation from all Federal agencies that fund such research.

(b) **USES OF FUNDS.**—Funds appropriated under this section shall be used to—

(1) develop a coordinated strategy to strengthen research focussed on education, prevention, and intervention strategies on violence against women;

(2) track and report on all Federal research and expenditures on violence against women;

(3) identify gaps in research and develop criteria for all Federal agencies for evaluating research proposals, taking into account the context within which women live their lives, including the broad social and cultural context as well as individual factors; and

(4) set priorities for research efforts that explore factors such as race, social, and economic class, geographic location, age, language, sexual orientation, disability, and other factors that result in violent crimes against women.

(c) **AUTHORIZATION OF APPROPRIATION.**—There shall be appropriated \$500,000 for each of fiscal years 1999, 2000, and 2001 to fulfill the purposes of this section.

SEC. 1303. PREVENTION, DETECTION, AND INVESTIGATION RESEARCH GRANTS.

(a) **PURPOSES.**—The Department of Justice shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection, and investigation programs.

(b) **USE OF FUNDS.**—The research conducted under this section shall include, but not be limited to the following areas and others that may be identified by the Task Force established under section 1302 of this title—

(1) longitudinal research to study the developmental trajectory of violent behavior against women and the way such violence differs from other violent behaviors;

(2) examination of risk factors for sexual and intimate partner violence for victims and perpetrators, such as poverty, childhood victimization and other traumas;

(3) examination of short- and long-term efforts of programs designed to prevent sexual and intimate partner violence;

(4) outcome evaluations of interventions targeted at children and teenagers;

(5) examination of and documentation of the processes and informal strategies women experience in attempting to manage and end the violence in their lives; and

(6) development and testing of effective methods of screening and providing services at all points of entry to the health care system, including mental health, emergency medicine, and primary care.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$6,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

SEC. 1304. ADDRESSING GAPS IN RESEARCH.

(a) **PURPOSES.**—The Department of Justice shall make grants to domestic violence and sexual assault organizations, research organizations and academic institutions for the purpose of expanding knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities.

(b) **USES OF FUNDS.**—Funds appropriated under this section shall be used to examine, but not be limited to, the following areas—

(1) development of national- and community-level survey studies to measure the incidence and prevalence of violence against women in underserved populations and the definitions women use to describe their experience of violence;

(2) qualitative and quantitative research to understand how factors such as race, ethnicity, socioeconomic status, age, language, disability, and sexual orientation that result in violent crimes against women;

(3) study of the availability and accessibility of State and local legal remedies to victims of intimate partner violence within the context of a same sex intimate relationship;

(4) the use of nonjudicial alternative dispute resolution (such as mediation, negotiation, conciliation, and restorative justice models) in cases where domestic violence is a factor, comparing nonjudicial alternative dispute resolution and traditional judicial methods based upon the quality of representation of the victim, training of mediators or other facilitators, satisfaction of the parties, and outcome of the proceedings, as well as other factors that may be identified; and

(5) other such research as may be determined by the Task Force established under section 1302 in consultation with domestic violence and sexual assault advocates, coalitions, national experts, and researchers.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$4,500,000 for each of fiscal years 1999, 2000, and 2001 to carry out this section.

SEC. 1305. STUDY.

The United States Sentencing Commission shall study the following and report to the Congress—

- (1) sentences given to persons incarcerated in Federal and State prison for assault or homicide crimes in which the relationship to the victim was a spouse, former spouse, or intimate partner;
- (2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving such illicit drugs and alcohol where domestic violence occurred;
- (3) the extent to which acts of domestic violence committed against the defendant, including coercion, may play a role in the commission of an offense;
- (4) analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem; and
- (5) recommendations with respect to the offenses described in this section particularly any basis for a downward adjustment in any applicable guidelines determination.

SEC. 1306. STATUS REPORT ON LAWS REGARDING RAPE AND SEXUAL ASSAULT OFFENSES.

(a) **STUDY.**—The Attorney General, in consultation with national, State, and local domestic violence and sexual assault coalitions and programs, including, nationally recognized experts on sexual assault, such as from the judiciary, the legal profession, psychological associations, and sex offender treatment providers, shall conduct a national study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) **REPORT.**—Based on the study required under subsection (a), the Attorney General shall prepare a report, including an analysis of the uniformity of the rape and sexual assault laws including sex offenses committed against children and sex offenses involving penetration of any kind among the States and their effectiveness in prosecuting crimes of rape and sexual assault offenses as follows:

- (1) Definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense.
- (2) Element of consent and coercive conduct, including deceit.
- (3) Element of physical resistance and affirmative nonconsent as a precondition for conviction.
- (4) Element of force, including penetration requirement as aggravating factor and use of coercion.
- (5) Evidentiary matters—
 - (A) inferences—timeliness of complaint under the Model Penal Code;

- (B) post traumatic stress disorder (including rape trauma syndrome) relevancy of scope and admissibility;
 - (C) rape shield laws—in camera evidentiary determinations;
 - (D) prior bad acts; and
 - (E) corroboration requirement and cautionary jury instructions.
- (6) Existence of special rules for rape and sexual assault offenses.
- (7) Use of experts.
- (8) Sentencing—
- (A) plea bargains;
 - (B) presentence reports;
 - (C) recidivism and remorse;
 - (D) adolescents;
 - (E) psychological injuries;
 - (F) gravity of crime and trauma to victim; and
 - (G) race.
- (9) Any personal or professional relationship between the perpetrator and the victim.
- (10) Any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses in order to protect victims more effectively while safeguarding due process.
- (c) DEFINITION.—For purposes of this section, the term “rape and sexual assault offenses” includes carnal knowledge of a child, abduction with intent to defile, indecent liberties, bestiality, forcible sodomy, sexual penetration with an animate or inanimate object, forced sexual intercourse (labia majora penetration or anus penetration), cunnilingus, fellatio, anallingus, anal intercourse, sexual battery, aggravated sexual battery, and sexual abuse, accomplished by use of force, threats, or intimidation.
- (d) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to Congress.
- (e) AUTHORIZATION OF APPROPRIATION.—It is authorized that \$200,000 be appropriated to carry out the study required by this section.

SEC. 1307. RESEARCH CENTERS.

The Attorney General shall establish 3 research centers to support the development of research and training program to focus on violence against women, to provide mechanisms for collaboration between researchers and practitioners, and to provide technical assistance for integrating research into service provision. Each Center shall be organized around a research area such as epidemiology and measurement of violence against women, causes and risk factors, and prevention and intervention evaluation research. At least one of the centers shall be established at an entity other than an academic institution. There are authorized to be appropriated

\$3,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

